

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN)
RICHMAN, JOHN DUBE and JOCEYLN MERRILL,)
teachers in the New Hampshire Public Schools, and)
KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN)
DURDEN, parents or guardians of children in the New)
Hampshire public schools.)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his Official Capacity as)
Commissioner of the DEPARTMENT OF EDUCATION,)
CHRISTIAN KIM in his Official Capacity as the Chair of the)
NEW HAMPSHIRE COMMISSION ON HUMAN RIGHTS,)
and JOHN FOMELLA in his Official Capacity as)
ATTORNEY GENERAL of the State of New Hampshire.)

Defendants.)

ANDRES MEJIA,)
CHRISTINA KIM PHILIBOTTE, and)
NATIONAL EDUCATION ASSOCIATION-NEW)
HAMPSHIRE,)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his official capacity only as the)
Commissioner of the New Hampshire Department of)
Education,)

JOHN M. FORMELLA, in his official capacity only as the)
Attorney General of the State of New Hampshire,)

AHNI MALACHI, in her official capacity only as the)
Executive Director of the New Hampshire Commission for)
Human Rights,)

CHRISTIAN KIM, in his official capacity)
only as the Chair of the New Hampshire Commission for)
Human Rights,)

KEN MERRIFIELD, in his official capacity only as the)
Commissioner of the Department of Labor,)

Defendants.)

Civil No. 1:21-cv-01077-PB

**PLAINTIFF'S ASSENTED-TO MOTION TO SEAL (I) THE UNREDACTED VERSION
OF PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR
SUMMARY JUDGMENT, (II) THE UNREDACTED VERSION OF PLAINTIFFS'
STATEMENT OF UNDISPUTED FACTS, (III) UNREDACTED COPIES OF FIVE
DEPOSITION TRANSCRIPTS, AND (IV) 18 EXHIBITS ATTACHED TO PLAINTIFFS'
STATEMENT OF UNDISPUTED FACTS**

Pursuant to Paragraph 6 of the Protective Order in this case (Doc. No. 76), L.R. 83.12, and A.P. 3.3, Plaintiffs request to seal at Level I (i) the unredacted version of Plaintiffs' Memorandum of Law in support of their Motion for Summary Judgment (**Doc. No 83-1**), (ii) the unredacted version of Plaintiffs' Statement of Undisputed Facts in Support of Their Motion for Summary Judgment (**Doc. No 85-1**), (iii) the unredacted copies of five deposition transcripts attached to Plaintiffs' Statement of Undisputed Facts (*see Exhibits 2-6; Doc. Nos. 85-3, 85-4, 85-5, 85-6, and 85-7*), and (iv) 18 exhibits attached to Plaintiffs' Statement of Undisputed Facts (*see Exhibits 23, 24, 25, 26, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 98, 99, 104*) (**Doc. Nos. 85-24, 85-25, 85-26, 85-27, 85-29, 85-31, 85-32, 85-33, 85-34, 85-35, 85-36, 85-37, 85-38, 85-39, 85-40, 85-99, 85-100, 85-105**).

By **August 17, 2023**, redacted versions of (i) Plaintiffs' Memorandum of Law in support of their Motion for Summary Judgment, and (ii) Plaintiffs' Statement of Undisputed Facts in Support of Their Motion for Summary Judgment will be filed publicly pursuant to Paragraph 6(b) of the Protective Order.

Furthermore, redacted versions of the five deposition transcripts attached to Plaintiffs' Statement of Undisputed Facts (*see Exhibits 2-6*) have been filed publicly pursuant to Paragraph 6(b) of the Protective Order at **Doc. Nos. 85-3, 85-4, 85-5, 85-6, and 85-7**.

The unredacted portions of Plaintiffs' Memorandum of Law in support of their Motion for Summary Judgment, the unredacted portions of Plaintiffs' Statement of Undisputed Facts in Support of Their Motion for Summary Judgment, the unredacted five deposition transcripts attached to Plaintiffs' Statement of Undisputed Facts (*see Exhibits 2-6*), and the 18 exhibits (*see Exhibits 23, 24, 25, 26, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 98, 99, 104*) sought to be sealed contain information that has been designated by Defendants as "Confidential—Attorneys' Eyes

Only" pursuant to the Protective Order insofar as Defendants assert that this information is protected under RSA 354-A:21, II(a) and/or N.H. Admin. R. PART Hum 219.04(a).¹ These documents also contain other personal identifying information of private individuals.

These two sealed unredacted pleadings, unredacted five deposition transcripts attached to Plaintiffs' Statement of Undisputed Facts (*see Exhibits 2-6*), and 18 exhibits (*see Exhibits 23, 24, 25, 26, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 98, 99, 104*) will be conventionally filed, provisionally under seal. Defendants assent to the relief requested in this Motion.

WHEREFORE, for the reasons stated above, Plaintiffs request that the Court:

A. Seal at Level I (i) the unredacted version of Plaintiffs' Memorandum of Law in support of their Motion for Summary Judgment (**Doc. No. 83-1**), (ii) the unredacted version of Plaintiffs' Statement of Undisputed Facts (**Doc. No. 85-1**), (iii) five deposition transcripts attached to Plaintiffs' Statement of Undisputed Facts (*see Exhibits 2-6; Doc. Nos. 85-3, 85-4, 85-5, 85-6, and 85-7*), and (iv) 18 exhibits attached to the Plaintiffs' Plaintiffs' Statement of Undisputed Facts (*see Exhibits 23, 24, 25, 26, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 98, 99, 104*) (**Doc. Nos. 85-24, 85-25, 85-26, 85-27, 85-29, 85-31, 85-32, 85-33, 85-34, 85-35, 85-36, 85-37, 85-38, 85-39, 85-40, 85-99, 85-100, 85-105**); and

B. Other and further relief as this Court deems just and proper in the circumstances.

¹ While Plaintiffs do not concede that this information is "confidential," Plaintiffs did not challenge these designations under Paragraph 8 of the Protective Order.

August 14, 2023

Respectfully Submitted,

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